

Land problems in Colombia after the Peace Agreement¹

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Introduction:

The process of economic globalization has generated a new type of social exclusion, affecting local spaces in which a great number of vulnerable people have developed and maintained their own customs, habits and methods of production (see Iyotani 2002). Though this argument is not new, it is highly relevant when we look at today's Colombian society.

Colombia is a country with a history of more than fifty years of armed conflicts which have involved different actors: leftist guerrilla movements, paramilitary right-wing groups and narcotic-funded self-defence groups. The local communities located in the areas where conflicts have taken place have been living in constant fear and suffering from shortages of basic needs, not only due to the presence of armed groups, but also due to the general absence of the State (in terms of provision of basic public services).

Even though, since the end of 2006, the government began to emphasize “the development of the post-conflict era” as its central mission. The present Santos administration finally signed a peace agreement with the FARC (Revolutionary Armed Forces of Colombia, the most persistent leftist guerrilla group) in 2016, which made definitive the post-conflict era.

The land problem was one of the most important issues during the peace-making dialogue and the topic of integral rural development was included as one of the six principal pillars of the political agenda in the peace agreement document. However, the present land policy still has many challenges and limitations. Peasants are now free of the threat of displacement by the armed conflict, but are equally vulnerable to the threat of losing their land due to possible land-grabbing either by the agricultural industry or through concessions for mining development projects backed by multinational (global) capital. What is worse, Colombian politics are already seeing campaigns for the coming congressional and presidential elections in 2018. Further, President Santos' popularity has recently declined, and the opposition forces led by Alvaro Uribe² have maintained their political influence. There is fear for the continuity of the Colombian peace-process and construction of a post-conflict society.

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2 Ex-president, who held a strong “No” campaign against the Santos peace-making dialogue.

This paper presents an argument concerning the causal relation between the land problems with Colombia's long-lasting armed conflict. In today's Colombian context, which is entering the post-conflict era, land problems continue to be one of the most challenging issues to be dealt with under the government's extractivist economic policy, which aims to make the country more competitive in the global market.

1. The Political Process under the Exclusionist Bipartisan Regime

Colombian political violence dates back to the initial period of the republican regime. Oligarchic groups, divided into two parties, the liberals and the conservatives, have dominated the Colombian political scene since the coalition of these two parties was established in the 1960s³. Many authors describe the Colombian political process as an exclusionist bipartisan democracy managed by a coalition of the two traditional parties (Kline, 1999; Livingstone, 2003). The leftist wing, the communist party and a radical group of liberals have struggled for a more egalitarian society and pluralistic political regime, which led to the emergence of leftist armed groups.

The FARC is historically the oldest organization among the leftist guerrillas in Colombia. Communism had a strong philosophical influence on its founders, who promoted Marxism–Leninism. It is said that FARC had close to 30,000 combatants at its peak.

The expansion of paramilitarism during the 1990s also contributed to the intensification of armed resistance of the FARC and the ELN (National Liberation Army), another radical leftist–guerrilla group. Particularly, since the formation of the AUC (United Self-Defense Forces of Colombia), ordinary civilians suspected of having contact with left-wing guerrillas, such as community leaders and social movement organizers in rural areas, had become targets of repression and massacres. Many farmers, unable to remain neutral in the conflict due to the worsening of political violence and the simultaneous presence of the state military, paramilitaries, and left-wing guerrillas in rural areas, were driven off or forcibly removed from their land. An estimated six million rural residents suffered this fate.

During the 1990s, as drug cartels declined in strength because they were pursued by government authorities, the FARC obtained capital for its activities by assisting the drug trade, and by this way, expanded its area of control in the rural sector. However, it also caused the FARC to begin straying from its original foundation in revolutionary philosophy and instead to take on the role of “narcotic guerrillas.”

2. The national strategy for peace building after the 1980s

The government began to address peace policy seriously starting with the Betancur administration. However, throughout the 20th century, the peace negotiation efforts remained at a complete impasse. President Uribe reversed course with a hawkish stance and forced the FARC into military decline through all-out resistance and a military build-up.

President Santos, after his administration took over in 2010 shifted to a more negotiation-focused position, away from the hawkish stance, toward Colombia's leftist guerrillas, which in turn brought a long-awaited change in the deadlocked peace process. After that, former-president Uribe, who had sought

3 This is the Spanish term for the political structure, “Frente Nacional”, which took effect in 1958. This was a system of divided rule based on an agreement between the Conservative and Liberal parties, under which the presidency alternated between Conservatives and Liberals every 4 years for the next 16 years. Seats in the Congress and governorships were also divided between the two parties.

to achieve peace through all-out resistance to the guerrillas, broke from his political allies and formed the Centro Democrático Party in 2013. Since then, there has been a partisan split in national politics between Uribe's faction and the ruling party.

Initial negotiations between FARC commanders and government representatives began in Oslo in October 2012, and it was agreed to continue negotiations toward a peace agreement in Havana, Cuba.

The Santos administration managed to draft a peace agreement, as part of its peace-building agenda, more than 4 years later, following a ceasefire. The details of the agreement drafted in Havana were noteworthy and did not only aim to build a post-conflict society but also addressed the reintegration of FARC fighters into the society following the end of hostilities, compensation for victims of the conflict, and the reconciliation of civilians. In addition, it promoted a political agenda related to structural problems in Colombia, such as the need to transform its political system into a more pluralistic democracy, the delayed development of rural areas (especially as related to land issues), and disparate social stratification that was a major cause of the armed conflict. Consequently, the agreement was a valuable document. However, support for the Santos administration was low, and an increased distrust or a lack of interest in the peace process among citizens, especially those in urban areas, had become apparent.

The peace agreement survived with some modifications, after some ups and downs due to a rejection by a national referendum, and finally was approved by the Congress at the end of November 2016. After a series of disturbances, the peace agreement put the disarmament process into practice at the very end of that year.

Table 1: The Peace Process as Pursued by Successive Administrations

Year	Name of Administration	Major Policies and Results
1982–1986	Belisario Betancur (Conservative Party)	Undertook peace negotiations with FARC, which broke down in 1987
1986–1990	Virgilio Barco (Liberal Party)	Announced a “War on Drugs” against terrorist drug trafficking organizations
1990–1994	César Gaviria (Liberal Party)	Convened a constitutional convention, disarmed major guerrilla organizations such as the M-19, and expanded paramilitary groups; deadlock in meeting at Tlaxcala (Mexico)
1994–1998	Ernesto Samper (Liberal Party)	Corruption problems with the presidential election came to light; no progress with peace policy
1998–2002	Andrés Pastrana (Conservative Party)	Failure of negotiations at San Vicente del Caguán
2002–2010	Álvaro Uribe (2 terms) (Colombia First Party)	Built up the military and developed “all-out resistance” line. Collectively disarmed paramilitaries. Established the 2005 Justice and Peace Law and the Comisión Nacional de Reparaciones y Reconciliación
2010–2018	Juan Manuel Santos (2 terms) (National Unity Party)	Enacted the 2011 Victims and Land Restitution Law; reopened lines of negotiation. Created agreement with FARC (August 2016) through peace negotiations in Havana, Cuba. “No” vote in national referendum. Approved new agreement by Congress (November 2016)

Source: Elaborated by the author.

3. Land laws and land problems in Colombia

3-1. The national context of land concentration and armed conflict until the 1990s

Colombia has maintained a historically concentrated structure of land ownership, which has become more extreme as a result of the war. The war provoked forced displacement from the land with few opportunities for return. In highly vulnerable conditions, displaced people are forced to take on precarious employment in which they are exposed to new types of exploitation. The impact of the war on the agrarian structure should be seen in the context of a development model exclusively focused on certain social classes and which tends to concentrate wealth through increased efficiency and access to international markets. As a consequence, rural populations have become increasingly impoverished (Osorio and Herrera 2012).

The rural sector has been besieged by legal and illegal investments of four types: agro-industrial companies (especially palm oil and timber), investments in illicit crops, extensive cattle ranching and companies in the mining and energy sector. This entire process takes place through relationships between those who control the resources and those who provide labour at very low cost, whether in the rural or urban sectors, which benefits the large-scale companies (Fajardo 2006).

Inequity in access to land constitutes one of the most important objective outcomes of the armed conflict, as it generates social exclusion and inequality (Comisión de Estudios sobre la Violencia 1987). The economic power of land generates political and social benefits, which in turn provide economic returns for broadening economic power. The bipolarised agrarian structure as well as limited economic growth in the rural sector has impeded the Colombian government from responding satisfactorily to demands for access to land. As a consequence, the historically persistent concentration of rural property reached a Gini coefficient of 0.86 (Ibáñez and Muñoz 2012: 301).

3-2. Subsoil concessions for resource extraction under the “mining boom” in the global market

The awarding of concessions can lead to the expropriation of land, or impede the recognition of rights to land already inhabited and used by the rural population. In this way, between 1990 and 2010, around 10 million hectares of concessions were granted for mining activities, and applications were received for concessions on another 26 million hectares (CGR 2011).

This situation should be analysed against the current “mining boom”, which emerged with increased demand in the global market, especially in relation to coal, gold and platinum. Colombia is a country gifted with rich petroleum and mineral resources. It is the leading producer of coal in South America, accounting for more than 80 per cent of the region’s total production and is also an important gold producer, ranking as the fifth largest in the region. Finally, the country is the only producer of platinum group metals in South America, and is the largest producer of nickel and ferronickel in the world. Thus, there is strong global interest in Colombia’s minerals (British Geological Survey 2016).

3-3. Post-conflict scenario: attraction of foreign investment to Colombia

Uncertainty in terms of public security has been one of the greatest barriers to foreign investors interested in Colombian mining deposits. After Uribe became president, security improved if one analyses it through conventional statistics or indicators, such as the level of “violence” (for example, the number of

homicides per 10,000 persons, or the number of kidnappings). Disarmament of major paramilitary groups and social rehabilitation programs for ex-guerrilla or paramilitary combatants served to publicize an image that Colombia is now recovering its security. And the peace agreement signed between the Santos administration and the FARC secured even more the attraction for global extractivist capital.

In 2001, after long polemical debates on reform, a new mining code was established with the passage of Law 685. The reform of the mining code had the aim of promoting competition of private capital, and particularly of bringing foreign multinational investment to the mining sector. The new mining code deregulated state control over access to land with potential mineral deposits and facilitated the procedure of giving concessions to private capital.

With the solution of these two problematic issues, major mining multinationals have increased their presence in Colombia over the last two decades. Exploration concessions have been given for most of the land where there are expected to be mining deposits.

At the same time, the government's fundamental mission is to support and qualify small-scale mining operations, which make up the majority of all miners. Small-scale mining operations apply the artisanal, traditional system of production with a low level of production, almost at the subsistence level. The government aims to formalize and integrate all existing small and mid-sized mining operations under the category of Mining Districts in order to facilitate its control over them.

There is one sensitive issue that has not yet been resolved. Small-scale mining communities are legally vulnerable when the area in which they have settled happens to be a part of the land for which a multinational enterprise requests a concession. Without a title deed for the land, the community has no other alternative but to move out.

Both these tendencies: intensification of land-concentration for large scale production (as represented by palm-oil production) and increased interest in mining exploitation by multinational capital, have marginalized family farming of traditional food production for subsistence and increased Colombia's food dependency on imports. Statistics for 2010 show a significant level of food dependency in Colombia: rice imports have increased by 64.4 per cent, corn 67.3 per cent, barley 35.6 per cent and wheat 21.1 per cent. Meanwhile, crops such as palm oil, cocoa and fruit have had their production boosted by policies oriented towards competitiveness in exportable tropical products (López 2012). The government's shift in priority from food production for the domestic market towards export-oriented agricultural industry has had negative effects on income generation and therefore morale in productive activities. This has led to land sales, changes in land use and migration of peasants, hitherto engaged in small-and medium-scale farming, to cities, diminishing their traditional contribution to the internal food market.

3-4. Measures employed by the state and their scope

State efforts at agrarian reform with a limited scope

In Colombia, policies and normative frameworks related to land ownership have proved to be insufficient in addressing the concentration of land ownership and changing the inequitable agrarian structure. Rather than redistributing land, the agricultural frontier has been extended to the south and east of the country (Ramírez 1981: 203).

In the 1980s, the government adopted a productive strategy designed to modernise zones in which the peasant economy predominated. Governmental actions regarding land were limited to the incor-

poration of new zones at the agrarian frontier. Productive efficiency, in the context of a process of opening up the Colombian economy, was intensified at the beginning of the 1990s. The current legal framework (Law 160 of 1994) is intended to consolidate a land-rights market approach, which was derived from the emergence of new land disputes and conflicts.

Lack of formalisation of land rights in rural areas

The basic procedure for registering land, including the clarification of whether property is public or private and the delimitation of land boundaries, has been delayed all over the country. There is an evident lack of formalisation of land rights in rural areas: 47.7 per cent of landowners do not have formal property titles, and the situation is even more critical for small landholders (Gáfaró et al. 2012). Some of these problems relate to the lack of clarity around property titles in much of the country, a backlog at the land registry office, the high costs of registry transactions and rural property legalisation, uncertainty over property and the lack of clear and definitive delimitation of which lands are public and which private, especially in places such as marshlands, riverbanks and communally used plains. All of this makes the process of identifying and reclaiming property difficult.

Table 2. Colombian agrarian reform laws

Name and year	Characteristics
Law 200 in 1936	This law created the concept of the social function of land, meaning that land should be distributed to landless peasants, specifically those occupying wilderness land. One of the main ideas of this law was to recognize the ownership of the land by the peasants working and living on it.
Law 100 in 1944	The purpose of this law was to avoid the land distribution effect caused by the previous land law. This law created barriers against peasants claiming their property rights, by enforcing land rights such as possession and tenure instead of property rights in favor of landless peasants.
Law 161 in 1961	This law was the result of the commitment of the national elite to the distribution of land to landless peasants. The policy created by this law laid the foundation for the National Institute of Colombia for the Agrarian Reform (Incora) and several institutions and norms, with the main purpose of giving land to peasants, and recognizing and formalizing property rights.
Law 4 in 1974	Also known as the 'Chicoral Pact' (named after a province ruled by the landlords at that time). This law was the result of a negotiation between the state and regional elites, and its purpose was to restrain the progress of the agrarian reform law of the 1960s, since agrarian reform was assumed to be a threat to their political and economic power.
Law 160 in 1994	The 1990s amendment of the agrarian reform law implied a shift from the state-oriented land policy to the establishment of a land market supported by the state. Despite this, the law also created Peasant Reserve Zones to protect access to land by peasants in wilderness areas, established limits to private titles to wilderness lands and recognized the territorial rights of indigenous and afro-descendant communities.

Sources: Machado 2004, 2017.

3-5. A new perspective in the current peace process: The last legal frameworks introduced during the Santos administration and the respective polemics

The decision to resume the peace dialogue between the government of the Santos administration and the FARC in 2012 put the issues of land concentration and deprivation back in the public arena. Although "integral rural development" was one of the principal themes of the peace agreement, up to the present, it has been very difficult to identify a change in attitude (or political will, or position of the political

leadership) of policymakers in relation to the land issue and respective policies.

The Land Restitution Law (1448/2011)

This Law is an important step towards the reparation and recognition of the rights of victims of the Colombian armed conflict (Bautista 2012; Uprimny and Sanchez 2010). Its purpose is not to redistribute land, but to repair and restore the rights of the victims of recent violence in the country. It is possible to see that the law has an important background in several international human rights instruments, such as the Deng Principles and the Pinheiro Principles. Nevertheless, several aspects of the law have been criticised as follows:

- 1) Restriction on the category of victims. Only those who suffered displacement and dispossession after 1991 are recognised. This creates an obstacle for those who were victimised in previous periods, and it clearly forms a limit to the human rights approach of the policy.
- 2) Limitations on property within the scope of restitution. The law established that only land can be restored, not property, houses, crops, farm animals or other possessions lost by victims. Overcoming this problem will depend on the enforcement of complementary policies, such as the provision of housing, rural development and technical support to the victims.
- 3) Inclusion of measures that limit the possibility of restitution. Article 99 stipulates that a restitution judge can establish a legal contract between the victim, as the owner of the restored plot, and the current users of the land only if the current users prove their innocence with regard to the original circumstances in which the land was seized, in which case they can continue to use the land.

Despite these problems, this Law is the current legal framework for reparation and the restitution of the rights of approximately 8 million victims in the country. By the end of November 2017, the Land Restitution Unit had received 109,902 requests from victims to be included in the National Register of Abandoned and Disposessed Land, and these requests covered an area of 2,368,908 hectares⁴.

The successful enforcement of this Law is greatly dependent on the capacity of the state to conciliate the interests of the national elite, who are interested in land restitution and the consolidation of a land market, and the many regional elites who see this policy as a threat. For the national elite, creating a dynamic land market through formalisation of the land tenure system is one of the indispensable conditions for providing security and encouraging foreign investment. The regional elites, however, see land restitution as a land distribution policy which would affect their power that is founded on land concentration.

It is important to note that the land restitution process is regulated by a temporary legislation (which will be valid until 2021). The procedure has not progressed as expected, because it requires several stages of document verification, and over 30 percent of demands are rejected before getting to the final stage. In some local areas where the presence of armed conflict was very serious and complex, many leaders of peasant organisations who claimed dispossessed land were subjected to intimidation, including death threats.

The ZIDRES Law (Law 1776 of 2016)

Just after its approval at the congress, the Law to regulate ZIDRES (zones of interest for economic and social rural development) became the focus of criticism by opposition parties such as Polo and Alianza

⁴ <https://www.restituciondetierras.gov.co/es/restitucion>, accessed on January 10, 2018.

Verde, who argued that this law could almost completely undermine locals' peasant life and their economy.

According to the law, ZIDRES should be developed in areas far from urban centres, where the land requires considerable investment to prepare for cultivation and production. This would therefore allow that people pretending to run a ZIDRES project could request the land in a concession, or could lease national *baldío* (virgin land)⁵. In the legal framework of the ZIDRES, the government stated that the projects in question could provide more than 7 million hectares for food production, given the conditions of protecting forest resources and creating decent (well-paying) job in the countryside.

For the plaintiff in the case against the ZIDRES law, the fact that developers of a productive project could access national *baldío* land is itself a regression in terms of the right of peasants to access the land, and also a violation against public resources, since the use of such land for development projects has been restricted. They also suggest that in ZIDRES projects, peasants could lose their autonomy in terms of land use and management, and in terms of their own (peasant and family farming) productive projects, and therefore, their identification as local agents based in their own territory would be at risk. The cultural and traditional identity of the peasant economy has been protected by the Constitution, but in the ZIDRES law, there is no reference to the identity of the peasantry. Additionally, the Law overlooks the right to hold a prior consultation ahead of any development project, which has been guaranteed to ethnic groups (indigenous and Afro-descendent communities) and to victims of the armed conflicts who are in the process of land restitution⁶.

The legal Bill for the New Land Law (to reform the current Law 160/1994)

The official statement of the government in justifying this Bill was to provide a normative framework to deal with the first pillar of the peace agreement with the FARC, namely that of promoting "integral rural development". The Bill is now being reviewed and discussed by the members of CSIVI (The Commission for Follow-up, Impulse and Verification on the Implementation of the Final Agreement).

Peña & Parada (2017) pointed out the following aspects of the legal Bill of the new land Law as problematic and contradictory to the peace agreement:

- 1) The new Law will establish the system of Register of Subjects for Legal Order (*Registro de Sujetos de Ordenamiento*: RESO), which classifies and prioritises persons who shall be the beneficiaries of the land policy.
- 2) It will modify the concept of the UAF (Unit of Agrarian Family)⁷ and eliminate the (concept of) "families" as the basis for the land distribution policy, since in the new legal framework the concept of the "beneficiaries" (individual persons) shall replace them.
- 3) The new Law permits that other individuals (or subjects) than the vulnerable (poor) people may acquire the land in the category of "*baldío*" by paying for it.
- 4) The law also modifies the Civil Code and establishes real surface (land) rights, which allow the

5 This concept refers to land which used to be virgin soil and under the control of the State. In theory, *baldío* land is not private property and in general is located beyond the frontier of agrarian exploitation or arable land. However, for their survival, landless peasants have occupied *baldío* land as *colons* and have developed the virgin soil. Most of them never claimed a title deed, as they have not intended to pay tax. However, once they are at risk of disposition of the land or forced displacement, the legal status of their occupied land becomes vulnerable.

6 For the further analysis on ZIDRES, see (Machado 2017).

7 UAF has been the basis for agrarian policy in Colombia for promoting the development of family farming.

transference of the rights of use and disposition of the land for productive projects, without transferring the ownership of the same lands.

In respect of these points, many civil society organisations and some congressmen have pointed out that the new land Law would encourage land concentration through the accumulation of *baldíos*, which, after all would legitimize land disposition from landless peasants, or in other words, from peasants who have occupied land without a title deed. The new land Law will also permit the acquisition of land occupied by ethnic communities (indigenous or Afro-descendent people) without completing the required prior consultations with these groups, as regulated by the Constitution. The new land Law shall also eliminate the few existing mechanisms of guaranteeing land access with the aim of protecting peasant rights on the land (such as Peasant Reserve Zones, and Collective land for Afro-descendent communities) (Peña & Parada, 2017).

These critical comments on the Bill for new land Law suggest that it would deregulate land use, which could cause more land concentration for large-scale agricultural industry projects. As Peña & Prada pointed out as a concern, in the new land legal framework, *baldíos* could be exploited by agricultural industry companies without transferring title deeds. For the small farmers who are not able to invest in their land to improve productivity, offering their land use rights to third parties could be an attractive option. However, given all of the above, the question might not be only about the concentration of land tenancy but the change in land use, which may result in risks to food security and to the sustainability of the peasant economy and family farming.

To make the things worse, some conditions required by the RESO system will impede landless and vulnerable peasants from accessing their lands. Under the RESO system, in theory, the most vulnerable subjects (peasants) have priority, but in practice, the projects on which most landless peasants base their claims to land tenancy or formalisation of their title free of charge shall not necessarily be prioritised over other productive projects. Deregulation of *baldío* land acquisition through payment will clearly favour entities with agricultural industry projects that are able to pay more than 500 legal minimum salaries in return. Vulnerable peasants cannot afford to compete for land tenancy under such conditions. The current constitutional mandate regulated in the current Law 160/1994 prioritises the use of *baldío* land for vulnerable peasants to improve their living conditions; therefore, the national government's political interest is to reform Law 160 in order to "recover national *baldío* land" for agricultural industry projects, which is the real intention for the national economic development policy.

Final remarks: How to understand the land problem and long-lasting armed conflict in Colombia given the expansion of global capital?

This paper reaffirmed that the land problem in terms of land concentration and extreme inequality in terms of land access has been the principal cause of the armed conflict in Colombia. The emergence of illegal armed groups in the 1960s in Colombia was influenced by the international circumstances in the Americas then, but social and economic segregation and the fight for land use by the vulnerable population has historical origins going back to the colonial period when the structure of the concentrated land tenure system was established.

The land problem has continued without an effective solution due to the so-called exclusionist political bipartisan regime, which, in turn, intensified the conflict over land access. Thus, until the 1990s, the

evolution of land problems and armed conflict was basically determined by internally-structured political and socio-economic factors in Colombia.

After the end of the Cold War and since the 1990s, the balance of world power changed and globalisation proceeded rapidly in terms of market liberalisation and increased mobility of goods, services, finance and human resources. This process soon built a new hegemony of multinational capital which has gained the greatest power in the global market. During this period, some South American countries saw the emergence of leftist government regimes (Venezuela, Ecuador, Bolivia, Argentina, and Brazil), who claimed a political position of anti-Americanism and anti-hegemonic globalisation. In Colombia, there also was an increased momentum of seeking a more pluralistic democratic regime. However, the emerging leftist political party failed to build a majority political faction, while the leftist guerrilla groups lost their ideological backing to justify regular military activities. During this period, the guerrilla groups transformed into so-called “*narco-guerrillas*”, taking advantage of the cocaine boom in Colombia.

Following the globalisation era, the persistence of armed conflict connected with land concentration in Colombia should be analysed more clearly from the point of view of the economic interests of global capital and of those (other internal actors) who benefit from the market mechanism of globalisation.

This is the reason why the armed conflict in Colombia lasted so long. While a war is ongoing, there is a part of society that profits from it, and this weakens the political will to end it. The government continued to neglect the peasant economy and their distressed conditions, because it was more convenient for the political elite class to provide humanitarian aid to displaced persons in the cities, leaving the rural sector without a subsistent peasant economy.

This tendency continued through the succeeding decades during the Uribe administration, but Colombia is now finally entering into a genuinely “post-conflict” era. As analysed in this presentation, however, land problems continue to be amongst the most challenging issues to be addressed as part of the government’s intention to promote extractivist economic development.

With the ceasefire, peasant communities and ethnic groups recovered a temporary calm in their daily lives, but this does not guarantee their livelihoods. As we have reviewed, after the disarmament of the FARC, new “legitimate” actors, such as national and/or multinational companies have intervened in these communities (or local territories) with the threat of dispossessing them of their land, so as to explore the *baldío* land for export-oriented crops or subsoil mineral resources.

After the 1990s (more precisely, after the establishment of the Constitution in 1991), landless peasants (or *colons*), indigenous groups and Afro-descendent communities have counted on certain legal frameworks to protect their livelihood, such as the ZRC (Peasant Reserve Zones), and the right of prior consultation before any development project by an external party. The political agenda signed in the peace agreement with the FARC emphasizes the government mandate to promote “integral rural development”, even though the existing mechanisms to protect the rights of the vulnerable population have been totally ignored or not recognised at all in the recent new legal framework related to land. On the contrary, the bill for the new land law clearly pretends to “adjust” the existent legal framework in order to meet the government’s interests, and thus the interests of global capital.

I would like to conclude this paper by pointing out a series of issues of concern for the future:

- 1) The national government policy to promote the agricultural industry and cooperatives as a mechanism of job creation for landless peasants will definitely increase food insecurity in the country.
- 2) Accumulation of *baldío* land for large-scaled productive projects for export-oriented crops would

aggravate environmental destruction and destroy eco-systems in areas destined to be protected for their biodiversity, such as Llanos Orientales and the Orinoco, where the ZIDRES projects are being planned.

- 3) If the current trajectory proceeds, sooner or later the peasant economy will disappear. The peasant cultural identity, which is rooted in their territory, will be lost. Although their economic conditions might improve to a certain extent in terms of monetary value, they will not be able to build social agency and autonomy in the local territory.
- 4) Given these problematic issues, how can the political agenda promised in the peace agreement progress appropriately, particularly within the current electoral campaign?

References:

- Bautista, A.J., 2012, 'Restitución ¿realidad o ficción? Balance de los derechos de las víctimas del despojo y del abandono forzado de tierras en Colombia', master's thesis, Universidad Andina Simón Bolívar.
- British Geological Survey, 2016, *World Mineral Production 2010-14*, London: British Geological Survey, <https://www.bgs.ac.uk/home.html> (accessed 10 January 2018)
- Comisión de Estudios sobre la Violencia, 1987 *Colombia: violencia y democracia*, Bogotá: Universidad Nacional.
- CGR, 2011, *Informe del estado de los recursos naturales y del ambiente 2010-2011*, Bogotá: Contraloría General de la República.
- Fajardo, D., 2006, 'El desplazamiento forzado: una lectura desde la economía política', in *Territorio, patrimonio y desplazamiento (Seminario Internacional)*, vol. 1, ed. Procuraduría General de la Nación, Bogotá: Consejo Noruego para Refugiados, pp.103-42.
- Gáfaró, M., Ibañez, A., and Zarruk, D., 2012, *Equidad y eficiencia rural en Colombia: una discusión de políticas para el acceso a la tierra*, Bogotá: Universidad de los Andes.
- Hataya, N., S. Coronado, F. E. Osorio & N. Vargas, 2014, 'Colombian land problems, armed conflict and the state', in *Confronting Land and Property Problems for Peace*, ed. S. Takeuchi, New York: Routledge, pp.160-188.
- Hataya, N. 2016, 'The Peace process in Colombia: Background and Issues' (in Japanese), *Asia Peacebuilding Initiatives*, (<http://peacebuilding.asia/colombia2016j/>)
- Ibáñez, A., and Muñoz, J., 2012, 'La persistencia de la concentración de la tierra en Colombia: ¿qué pasó entre 2000 y 2009?', in *Justicia distributiva en sociedades en transición*, ed. B. Morten, C.R. Garavito, P. Kalmanovitz and M. Saffon, Oslo: Torkel Opsahl Academic EPublisher, pp.301-32.
- IGAC-CORPOICA, 2002, *Zonificación de los conflictos de uso de Tierras en Colombia*, Bogotá: Instituto Geográfico Agustín Codazzi.
- Iyotani, T., 2002, *What is the globalisation? Understanding the world in liquefaction* (in Japanese), Tokyo: Heibon-sha.
- Kline, H.F., 1995, *Colombia: Democracy under Assault*, Boulder, CO: Westview Press.
- Livingstone, G., 2003, *Inside Colombia: Drugs, Democracy and War*, London: Latin American Bureau.
- López, D., 2012, 'Disponibilidad de alimentos básicos en Colombia 2000-2010: ¿producción nacional o importaciones?', Master's thesis, Faculty of Economics, Universidad Nacional de Colombia.
- Machado, A., 2004, 'Tenencia de tierras, problema agrario y conflicto', in *Desplazamiento Forzado dinámicas de guerra, exclusión y desarraigo*, M.N. Bello, et al., Bogotá: Universidad Nacional, pp.81-96.
- Machado, A., 2017, *El problema de la tierra: Conflicto y desarrollo en Colombia*, Bogotá: Debate.
- Osorio, F., and Herrera, M., 2012, 'Prácticas de seducción y violencia hacia la quimera del progreso: la combinación de las

- formas de lucha del capital', in *Autonomías territoriales: experiencias y desafíos*, Observatorio de Territorios Étnicos, Bogotá: Pontificia Universidad Javeriana, pp.297–325.
- Peña, R. & M. Prada, 2017 'Lupa al proyecto de Ley de Tierras', *El Espectador*, <https://www.elespectador.com/economia/lupa-al-proyecto-de-ley-de-tierras-articulo-691848> (accessed on 10 January, 2018)
- Ramírez, W., 1981, 'La guerrilla rural en Colombia: ¿una vía hacia la colonización armada?', *Estudios Rurales Latinoamericanos*, 4(2): pp.199–209.
- Uprimny, R., and Sánchez, C., 2010, 'Los dilemas de la restitución de tierras en Colombia', *Revista Estudios Socio-Jurídicos*, 12(2): pp.305–42.
- Vásquez, V., and Serrano, M., 2009, *Las áreas naturales protegidas de Colombia*, Bogotá: Conservación Internacional-Colombia & Fundación Biocolombia.